

RUTH SMITH, Individually and as Widow)
for the Use and Benefit of Herself and the)
Next of Kin of RICHARD SMITH, Deceased,) **Case #: 3:05-00444**
Judge Trauger
Plaintiff,)
-against-)
PFIZER INC., PARKE-DAVIS,)
a division of Warner-Lambert Company)
and Warner-Lambert Company LLC,)
WARNER-LAMBERT COMPANY,)
WARNER-LAMBERT COMPANY LLC and)
JOHN DOE(S) 1-10,)
Defendants.)

**DECLARATION OF KENNETH B. FROMSON, ESQ.
IN OPPOSITION TO DEFENDANTS' MOTION *IN LIMINE*
TO EXCLUDE ALL EVIDENCE OF OR REFERENCES TO
WARNER-LAMBERT COMPANY LLC'S GUILTY PLEA OR ANY
RELATED GOVERNMENT INVESTIGATIONS OR AGREEMENTS**

I, Kenneth B. Fromson, depose and state as follows:

1. I am a partner with the law firm of Finkelstein & Partners, LLP, attorneys for the Plaintiff in this matter.
2. This declaration is submitted in opposition to Defendants' Motion *in Limine* to Exclude All Evidence of or References to Warner-Lambert Company LLC's Guilty Plea or Any Related Government Investigations or Agreements.
3. The following documents are attached hereto in opposition to Defendants' motion:

Exhibit A - Information, dated May 13, 2004

Exhibit B - Plea Agreement, dated May 13, 2004

Exhibit C - Judgment in a Criminal Case, dated June 9, 2004

Exhibit D - Sentencing Memorandum of the United States, dated June 2, 2004

Exhibit E - E-mail from Joe Feczko, dated December 7, 2000

Exhibit F - E-mail from John Marino, dated April 1, 2003

Exhibit G Chart from October 28, 2008 Deposition of Charles King III, Ex. 1

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 27, 2010

/s/ Kenneth B. Fromson

Kenneth B. Fromson
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Attorneys for Plaintiff Ruth Smith

CERTIFICATE OF SERVICE

I hereby certify that on this the 27th day of April, 2010, I electronically filed the foregoing document with the Clerk of the Court, United States District Court for the Middle District of Tennessee, using the CM/ECF system. True and correct copies of the foregoing documents are being served via the Court's CM/ECF system on the following:

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/s/ Kenneth B. Fromson
Kenneth B. Fromson